

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

LARRY LEE MONTGOMERY, M.D.

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV448TSL-JCS

LUCIUS M. LAMPTON, M.D., ET AL

DEFENDANTS

ORDER

By order of August 31, 2007, the magistrate judge granted plaintiff's motion to amend so as to dismiss any federal claims for relief, and at the same time directing that plaintiff respond and show cause why the case should not be dismissed pursuant to the usual rule that "if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well." United Mine Workers of America v. Gibbs, 383 U.S. 715, 726, 86 S. Ct. 1130, 1139, 16 L. Ed. 2d 218 (1966). Plaintiff has now advised, through counsel, that he has no objection to dismissal provided that same is without prejudice.

Accordingly, pursuant to the authority granted under 28 U.S.C. §1367(c)(3), it is ordered that this cause is dismissed without prejudice.

SO ORDERED this 12th day of October, 2007.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE